



CITY OF NOVI CITY COUNCIL SEPTEMBER 30, 2024

SUBJECT: Approval of a Resolution to vacate North Karevich Drive, which is located between West Oaks Drive and the West Oaks Access Road and convey the vacated road via Quit Claim Deed to the applicant.

SUBMITTING DEPARTMENT: Community Development Department

KEY HIGHLIGHTS:

- Street vacation requested by landowner of property on either side of North Karevich Drive.
- Ownership of the vacated property would allow parcels to be combined and road to be realigned to make development of a Culver's restaurant possible.
- The applicant will assume all future costs associated with maintaining and repairing the roadway, while still allowing public access over it.
- The applicant will assume responsibility for constructing the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way and provide landscaping and seating areas.
- Department of Public Works does not object to vacating the roadway.

BACKGROUND INFORMATION:

North Karevich Drive is a 32-foot-wide public right-of-way approximately 900 feet in length parallel to Novi Road. It serves as a marginal access road to the West Oaks shopping area. Currently only the Value City site has access points onto North Karevich Drive. The south end of the road bisects an undeveloped area.

The street vacation is being requested by Union Pacific Holdings, LLC, the owner of the bisected parcels who is interested in developing the site at the southern end as a Culver's fast-food restaurant with a drive thru. Vacating the road would permit them to combine three parcels and realign the roadway to accommodate the proposed development. South Karevich Drive will remain a public street south of West Oaks Drive.

The applicant's current Preliminary Site Plan has been submitted and reviewed by the Plan Review Center. The applicant addressed the comments brought forth in previous plan submittals. This includes providing additional landscaping, the off-site location of the sanitary sewer and associated easement, a full traffic impact study, and a justification for why the City should consider vacating the public street.

On June 26, 2024, the Planning Commission held a public hearing to consider the Culver's Preliminary Site Plan. Following the public hearing, Planning Commission recommended approval to City Council of the Preliminary Site Plan, Special Land Use permit, and Stormwater Management Plan subject to City Council's action on the street vacation issue.

Subject Parcels

The two parcels that North Karevich Drive bisects at the south end are located south of Value City Furniture (former Art Van) and north of West Oaks Drive.

- The parcel on the southeast side of Karevich Drive is irregular in shape and contains approximately 0.96 acres (22-15-200-099)
- The parcel on the northwest side of Karevich Drive is irregular in shape and contains approximately 0.44 acres (22-15-200-097)
- If the street vacation and parcel combination are approved, the site would total 2.35 acres.



The full length of North Karevich Drive between West Oaks Drive and West Oaks Access Road is requested to be vacated and deeded to the applicant. A legal description of the road has been provided by the applicant, which lists the total area to be vacated as 0.945 acres. The applicant intends to reroute North Karevich Drive around the proposed Culver's so that traffic could still move between West Oaks Drive and West Oaks Access Drive. The new road through this area would be privately

owned and maintained by the applicant if it is conveyed to them. The applicant states they would allow public access over the roadway by placing it in a Public Access Easement. Utility easements would also be given for all existing and proposed utilities within the area. A Maintenance and Access Agreement has been signed by the applicant, contingent on the public street being vacated.

Zoning and Master Plan

The property is located in the RC, Regional Center District, and the Master Plan for Land Use indicates the Planned Development Option 2 (PD-2) is available for the site.

The Street Vacation

Since the public street was not designed as a part of a plat, but was conveyed to the City by a deed, the vacated land does not automatically go to the adjacent property owner. Staff has asked the applicant what benefit to the public results from the vacation of the roadway and the applicant's acquisition of the underlying property. The applicant has provided a narrative that states why the street vacation would benefit the City, which is included in the packet. In summary, these include:

- The applicant will assume responsibility to construct the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way (an approximately 680-foot portion of Segment 32A).
- Additional landscaping and park benches along the pathway.

In addition, the applicant will take over all future costs associated with maintaining and repairing the roadway, while still allowing public access over it.

With the full public access easement across the length of the re-routed North Karevich Drive, and agreement to the terms recommended with the submitted site plan, JSP23-37, access will effectively be maintained to Value City, emergency vehicles, and others wishing to use the roadway.

Based on the information provided by the applicant and the submitted site plan, JSP23-37, the Planning Division is prepared to recommend approval of the proposed street vacation following the public hearing, based on the following:

1. The Engineering Division has no objections to the proposed vacation provided a maintenance and access agreement to the City and dedicates the necessary easements.
2. All future maintenance of the roadway will be the responsibility of the applicant if the street is conveyed to them.
3. The property owner to whom the vacated right-of-way is transferred shall provide a public ingress and egress easement across the entirety of the re-aligned North Karevich Drive;
4. The public ingress and egress easement area shall be maintained in good repair and kept unrestricted;
5. The property owner to whom the vacated right-of-way is transferred shall also provide a utility easement across the entirety of the re-aligned North Karevich Drive;

6. An access easement shall be granted to the owner of Parcel 50-22-15-200-104;
7. The property owner to whom the vacated right-of-way is transferred shall construct an 8-foot public pathway the full length of the adjacent Novi Road right-of-way, as well as seating areas and landscaping along the pathway.

The City Council is asked to consider the draft resolution to vacate North Karevich Drive. The City Council will also be asked to consider the Preliminary Site Plan with PD-2 Option, Special Land Use and Stormwater Management Plan for JSP23-37 as a separate action item.

Procedure for Street Vacation

Section 7.6 of the City Code provides the procedure for vacating public streets:

- (a) Action to Vacate Public Places. Action to vacate, discontinue or abolish any highway, street land, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

RECOMMENDED ACTION: Approval of a Resolution to vacate North Karevich Drive between West Oaks Drive and West Oaks Access Road, west of Novi Road and south of Twelve Mile Road, and convey the vacated road via Quit Claim Deed to the applicant, subject to the Maintenance and Access Agreement and the items in the staff review letters being addressed prior to Final Stamping Set approval.